

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WILLIAM F. LUNDER,

Plaintiff

vs.

MOTION CONTROL INDUSTRIES,  
DIVISION OF CARLISLE  
CORPORATION, RETIREMENT PLAN  
FOR BARGAINING UNIT EMPLOYEES  
OF MOTION CONTROL INDUSTRIES,  
DIVISION OF CARLISLE  
CORPORATION,

Defendants

) Docket No. 04-278E  
) (Judge Maurice B. Cohill, Jr.)  
)  
) ELECTRONICALLY FILED PLEADING  
)  
)  
) DEFENDANTS' PROPOSED ORDER ON  
) MOTION FOR SUMMARY JUDGMENT  
)  
) Filed on behalf of: Defendants  
)  
) Counsel of record for this party:  
) Richard A. Lanzillo, Esq.  
) Knox McLaughlin Gornall  
) & Sennett, P.C.  
) 120 West 10<sup>th</sup> Street  
) Erie, PA 16501  
) Telephone (814) 459-2800  
) Facsimile (814) 453-4530  
) Email rlanzillo@kmgslaw.com  
) PA53811  
)

**DEFENDANTS' PROPOSED ORDER ON**  
**MOTION FOR SUMMARY JUDGMENT**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2006, it is hereby ORDERED that Defendants' Motion for Summary Judgment is GRANTED, the Court having found that (1) Plaintiff has failed to exhaust his administrative remedies under the Plan Documents, and, as an additional basis for dismissal, (2) based on the plain language of the Plan Documents Plaintiff is not eligible to receive Disability Retirement Benefits. Judgment is hereby entered against Plaintiff and in favor of defendants, and the Clerk of Court is directed to mark this case as CLOSED.

---

HONORABLE MAURICE B. COHILL, JR.